

1 JOSEPH L. BENSON II, Esq.  
2 Nevada Bar No. 7276  
3 DANIELLE J. RICHARDSON, Esq.  
4 Nevada Bar No. 14752  
5 BENSON & BINGHAM  
6 11441 Allerton Park Dr., Suite 100  
7 Las Vegas, NV 89135  
(702) 382-9797, telephone  
(702) 382-9798, facsimile  
litigate@bensonbingham.com  
Attorneys for Plaintiff

8 UNITED STATES DISTRICT COURT

9 DISTRICT OF NEVADA

10 KYLE A. ALCARAZ, ) CASE NO.: 2:20-cv-01414-JCM-EJY  
11 Plaintiff, )  
12 vs. )  
13 CONAGRA BRANDS, INC.; CONAGRA )  
14 FOODS, INC.; SAM'S WEST, INC. dba )  
15 SAM'S CLUB; DOES 1 through 10; and ROE )  
16 BUSINESS ENTITIES 1 through 10, inclusive, )  
17 Defendants. )

18 **STIPULATION AND ORDER TO EXTEND DISCOVERY DEADLINES**  
19 **(First Request)**

20 Pursuant to LR IA 6-1 and LR 26-3, the parties request a 120-day extension of certain  
21 discovery deadlines for the reasons set forth below. This is the first request for an extension of  
22 discovery, and it is filed at least 21 days before the earliest deadline sought to be extended. In  
23 support of this stipulated request, the parties inform the Court of the following:

24 **DISCOVERY COMPLETED**

- 25
- 26 • In connection with the Rule 26(f) conference, the parties served their respective  
27 initial disclosures of documents and witnesses, and supplements thereto.

- Plaintiff has served written discovery requests on the Defendants. Responses to the same are due, by extension, on or before February 1, 2021.

- Defendant, Conagra, has served written discovery requests on Plaintiff. Responses to the same are due, by extension, on or before February 1, 2021.

## **DISCOVERY THAT REMAINS TO BE COMPLETED**

- Responses to written discovery requests;
  - Depositions of Person(s) Most Knowledgeable of Conagra;
  - Deposition of Plaintiff;
  - Disclosure of initial experts;
  - Depositions of initial experts;

The parties reserve the right to engage in other discovery as permitted by applicable rules and within the discovery window.

#### **REASONS WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED**

Plaintiff has requested dates of availability for the deposition of the Person Most Knowledgeable of Conagra. Counsel for Conagra is working to identify the correct individual(s). COVID-19 closures have made discovery difficult and the current circumstances necessitate the instant extension. In addition, both sides are in dispute over Defendant's proposed protective order and Plaintiff lacks required documents to prepare for depositions because of such limitations; the parties are awaiting the Court's order.



1                   **PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING DISCOVERY**

2                   The following table sets forth the current discovery deadlines and the proposed extended  
 3                   discovery deadlines that are the subject of this stipulated request:

SCHEDULED EVENT	CURRENT DEADLINE	PROPOSED DEADLINE
Filing motions to amend the pleadings or to add parties	1/4/2021	5/4/2021
Disclosure of initial experts	2/2/2021	6/2/2021
Disclosure of rebuttal experts	3/4/2021	7/2/2021
Discovery Cut-Off	4/2/2021	8/2/2021
Filing dispositive motions	5/3/2021	8/31/2021
Filing joint pretrial order	6/2/2021	9/30/2021

11                  This request for an extension of time is not sought for an improper purpose including delay.

12                  DATED this 12 day of December, 2020.

DATED this 16<sup>th</sup> day of December, 2020.

13                  BENSON & BINGHAM

 - #13240

14                  DANIELLE J. RICHARDSON, Esq.  
 15                  Nevada Bar No. 14752  
 16                  Attorney for Plaintiff

LEWIS ROCA ROTGERBER CHRISTIE, LLP

/s/ J. Christopher Jorgensen \_\_\_\_\_.  
 J. CHRISTOPHER JORGENSEN, Esq.  
 Nevada Bar No. 5382  
 3993 Howard Hughes Pkwy., Suite 600  
 Las Vegas, NV 89169  
 Attorneys for Defendants

17                  IT IS SO ORDERED:

18                    
 19                  UNITED STATES MAGISTRATE JUDGE  
 20                  DATED: December 22, 2020

21  
22  
23  
24  
25  
26  
27  
28